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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-156

13 **JULIE CONROY JACQUART**
14 **AKA JULIE MARIE OLEARY**
15 **AKA JULIE CONROY**
16 **AKA JULIE OLEARY**

ACCUSATION

17 **755 Buena Vista Place**
18 **Walnut Creek, CA 94597**
19 **Registered Nurse License No. 333368**
20 **Public Health Nurse Certificate No. 44215**

Respondent.

21 Complainant alleges:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
24 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
25 Consumer Affairs.

26 2. On or about September 30, 1981, the Board of Registered Nursing issued Registered
27 Nurse License Number 333368 to Julie Conroy Jacquart, AKA Julie Marie Oleary, AKA Julie
28 Conroy, AKA Julie Oleary ("Respondent"). The Registered Nurse License was in full force and
effect at all times relevant to the charges brought herein and will expire on February 28, 2013,
unless renewed.

3. On or about December 14, 1988, the Board of Registered Nursing issued Public Health Nurse Certificate Number 44215 to Respondent. The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2013, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (“Board”), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the licensee.

7 Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender and/or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

DISCIPLINARY STATUTES

8. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct

• • •

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

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9. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."

10. Section 490 of the Code states:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is

1 made suspending the imposition of sentence, irrespective of a subsequent order under the
2 provisions of Section 1203.4 of the Penal Code.”
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4 COST RECOVERY

5 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 FIRST CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct – Criminal Conviction)

11 12. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and
12 (f), 2762, subdivision (c) and/or 490 in that on December 1, 2009, in a criminal proceeding
13 entitled *The People of the State of California v. Julie Marie Conroy*, Contra Costa Superior
14 Court, Case Number 01-144909-9, Respondent pled no contest to a misdemeanor violation of
15 Vehicle Code section 23152(b) [driving with a blood alcohol level of at least .08 percent or
16 more]. Respondent also on this date pled no contest to having a prior conviction on January 12,
17 2005, for a violation of Vehicle Code section 23152(a) [driving while under the influence of
18 alcohol and/or drugs], a misdemeanor. Respondent was sentenced to five (5) years probation, 180
19 days in the county jail, 90 days in a residential post conviction drinking driver's program, ordered
20 to pay fines in the amount of \$1,828.00, and had her driving privileges suspended for three (3)
21 years. The facts in support of Respondent's convictions are that:

22 a. On or about May 16, 2009, Respondent was observed speeding in Orinda, California.
23 Upon police contact, Respondent was observed to have a strong odor of alcohol on her breath and
24 other objective signs of alcohol intoxication.

25 b. Respondent failed field sobriety testing at the scene. Her blood alcohol level pursuant
26 to breath testing was 0.167% and 0.165%.

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1 Code section 23152(a) [driving while under the influence of an alcoholic beverage and/or drugs],
2 a misdemeanor. Respondent was sentenced to three (3) years probation, ordered to complete 100
3 hours of community service [in lieu of county jail time]; ordered to pay fines in the amount of
4 \$1,595.00 and to enroll and complete the First Offender's Driver's Program.

5 FOURTH CAUSE FOR DISCIPLINE

6 (Unprofessional Conduct – Dangerous Use of Alcohol)

7 15. Respondent is subject to disciplinary action under sections 2761, subdivision (a) and
8 2762, subdivision (b) for use of alcoholic beverages, to an extent or in a manner dangerous or
9 injurious to herself, any other person, or the public. The facts in support of this cause for
10 discipline are set forth above in paragraphs 12, 13 and 14, and are herein incorporated by
11 reference.

12 FIFTH CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct – Criminal Conviction)

14 16. Respondent is subject to disciplinary action under sections 2761, subdivision (a) and
15 490, subdivision (a), in that on or about April 30, 2007, in a criminal action entitled *Lindon City*
16 *Justice Court, State of Utah v. Julie Conroy*, Case Number 07-0741, Respondent pled guilty to a
17 violation of Utah Code section 9090 [disorderly conduct], a misdemeanor. The court imposed a
18 fine in the amount of \$312.00. The facts giving rise to this conviction are as follows:

19 a. On or about March 8, 2007, officers with the Pleasant Grove Police, Lindon, Utah,
20 were dispatched to the scene of a domestic dispute between Respondent and her husband.

21 b. Respondent admitted that she slapped her husband's face and scratched his back
22 during an argument.

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Revoking or suspending Registered Nurse License Number 333368 issued to Julie
27 Conroy Jacquart, AKA Julie Marie Oleary, AKA Julie Conroy, AKA Julie Oleary;

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- 1 2. Revoking or suspending Public Health Nurse Certificate Number 44215 issued to
2 Julie Conroy Jacquart, AKA Julie Marie Oleary, AKA Julie Conroy, AKA Julie Oleary; and
3 3. Ordering to Julie Conroy Jacquart, AKA Julie Marie Oleary, AKA Julie Conroy,
4 AKA Julie Oleary to pay the Board of Registered Nursing the reasonable costs of the
5 investigation and enforcement of this case, pursuant to Business and Professions Code section
6 125.3; and
7 4. Taking such other and further action as deemed necessary and proper.

8
9 DATED:

September 5, 2012

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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